

ORIGINAL



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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

2012 JUN 25 P 4: 34

GARY PIERCE, Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
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AZ CORP COMMISSION
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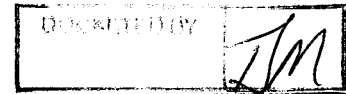
IN THE MATTER OF THE APPLICATION
OF ARIZONA-AMERICAN WATER
COMPANY, AN ARIZONA CORPORATION,
FOR A DETERMINATION OF THE
CURRENT VALUE OF ITS UTILITY PLANT
AND PROPERTY AND FOR INCREASES IN
ITS RATES AND CHARGES BASED
THEREON FOR UTILITY SERVICE BY ITS
ANTHEM WATER DISTRICT AND ITS SUN
CITY WATER DISTRICT, AND POSSIBLE
RATE CONSOLIDATION FOR ALL OF
ARIZONA AMERICAN WATER
COMPANY'S DISTRICTS.

DOCKET NO. W-01303A-09-0343

Arizona Corporation Commission

DOCKETED

JUN 25 2012



DOCKET NO. SW-01303A-09-0343

IN THE MATTER OF THE APPLICATION
OF ARIZONA-AMERICAN WATER
COMPANY, AN ARIZONA CORPORATION,
FOR A DETERMINATION OF THE
CURRENT VALUE OF ITS UTILITY PLANT
AND PROPERTY AND FOR INCREASES IN
ITS RATES AND CHARGES BASED
THEREON FOR UTILITY SERVICE BY ITS
ANTHEM/AGUA FRIA WASTEWATER
DISTRICT AND ITS SUN CITY WEST
WASTEWATER DISTRICT, AND
POSSIBLE RATE CONSOLIDATION FOR
ALL OF ARIZONA AMERICAN WATER
COMPANY'S DISTRICTS.

**CORTE BELLA COUNTRY CLUB
ASSOCIATION, INC.'S
APPLICATION FOR REHEARING /
RECONSIDERATION OF DECISION
NO. 73227**

Pursuant to A.R.S. § 40-253, Corte Bella Country Club Association, Inc. (“Corte Bella”), by and through undersigned counsel, hereby files this Application for Rehearing / Reconsideration of Decision No. 73227.

I. INTRODUCTION

The Commission (via a 3-2 vote) recently approved Decision No. 73227 and ordered the deconsolidation of the Anthem / Agua Fria Wastewater District. In doing so, the Commission expressly rejected the ALJ’s Recommended Opinion and Order (“ROO”) that provided the following:

Deconsolidation of the Anthem/Agua Wastewater District as proposed in the Compliance Application would not correctly assign cost responsibility for all ratemaking components, and is therefore not in the public interest at this time.

At the Open Meeting on May 22, 2012, the Commission took the position that deconsolidation was required at the conclusion of this proceeding – due to the settlement agreement between Anthem Community Council (“Anthem”), RUCO, Staff and Arizona-American at the Opening Meeting on December 15, 2010 (the “Settlement Agreement”). Specifically, the Commission stated the following:

Moreover, even if we were to set aside our desire to establish rates on cost causation principles, we believe deconsolidation of the Anthem wastewater district would be appropriate in this case in order to preserve the integrity of settlement negotiations that occur in Commission proceedings. In our December 15, 2010 Open Meeting, we encouraged the parties to negotiate the settlement of contentious legal and equitable issues involving the disputed refund payments that the Company paid to Pulte. As part of the settlement agreement that was ultimately reached, Anthem surrendered several arguments against recognizing the disputed refund payments to Pulte for ratemaking purposes. Anthem’s willingness to do so was based on the gains Anthem would make in other areas under the settlement agreement, including the timely

deconsolidation of the Anthem/Agua Fria Wastewater District. The record suggests that deconsolidation of the Anthem/Agua Fria Wastewater District was vital to Anthem's willingness to support the settlement as a complete package. Therefore, in order to preserve the integrity of the settlement negotiations that occur in Commission proceedings, we believe it is in the public interest to deconsolidate Anthem from the Anthem / Agua Fria Wastewater District at this time.

Decision No. 73227 at 31.

Corte Bella respectfully disagrees with the Commission's position. Namely, by considering deconsolidation at the hearing in November 2011, Corte Bella believes the Commission did preserve the integrity of those settlement negotiations. Decision No. 72047 did not obligate the Commission to approve deconsolidation in this proceeding.

Furthermore, the Commission's approval of Decision No. 73227 violates the due process rights of Agua Fria customers (including Corte Bella) because (i) Agua Fria customers were not a party to the Settlement Agreement that effectively increased wastewater rates by 137.9% and (ii) Agua Fria customers did not receive notice of the deconsolidation and resulting 139.7% increase in wastewater rates until Arizona-American filed its Compliance Application on April 1, 2011.

Agua Fria customers had no opportunity to participate in the settlement negotiations that occurred in December 2010 and led to Decision No. 72047. The public notice provided to Agua Fria customers noted an 81.8% increase in wastewater rates (not a 139.7% increase). *See Exhibit A (pages 5-8)*

Based on the foregoing, the Commission should grant this application for a rehearing and reconsider the portion of Decision No. 73227 that orders deconsolidation of

1 the Anthem / Agua Fria Wastewater District.

2 **II. THE COMMISSION WAS NOT REQUIRED TO DECONSOLIDATE**

3
4 On January 6, 2011, the Commission issued Decision No. 72047. The Decision
5 specifically ordered the following:

6 The docket in the instant proceeding is to remain open for the
7 sole purpose of considering the design and implementation of
8 stand-alone revenue requirements and rate designs as agreed
9 to in the settlement reached during the Open Meeting for the
10 Anthem Waster District and Agua Fria Wastewater District as
soon as possible.

11 *See Decision No. 72047, Page 84.*

12 The clear purpose of this proceeding was to consider (not implement) the proposed
13 deconsolidation of the Anthem / Agua Fria Wastewater District. The Commission did not
14 “blindly” approve deconsolidation in Decision No. 72047 – as Anthem suggests.
15

16 In this regard, the Agua Fria customers (including Corte Bella) were not a party to
17 the Settlement Agreement that effectively increased their wastewater rates by 137.9%.
18 Agua Fria customers were not provided with notice and an opportunity to comment on the
19 Settlement Agreement before it was adopted by the Commission as part of Decision No.
20 72047. Clearly, the Agua Fria customers would have objected to the Settlement
21 Agreement (but were not given an opportunity to do so).
22
23

24 In addition, Agua Fria customers did not receive notice of the deconsolidation and
25 resulting 139.7% increase in wastewater rates. The public notice provided to Agua Fria
26 customers noted an 81.8% increase in wastewater rates (not a 139.7% increase as a result
27
28

1 of deconsolidation). *See Exhibit A (pages 5-8)*. It was not until April 1, 2011 (nearly four
2 months after the Settlement Agreement and Decision No. 72047) that Agua Fria customers
3 received notice of the deconsolidation and resulting 139.7% increase in wastewater rates.
4
5 *See Exhibit B (pages 6-8)*.


6 Simply put, the Commission was not required to deconsolidate the Anthem / Agua
7 Fria Wastewater District as part of the Settlement Agreement and Decision No. 72047.
8
9 **The ALJ, Commission Staff and EPCOR all agree.** Corte Bella continues to believe
10 that the ROO was correct and that deconsolidation should not be approved.

11
12 **III. CONCLUSION**

13 Based on the foregoing, Corte Bella respectfully requests that the Commission
14 grant this application for a rehearing and reconsider the portion of Decision No. 73227
15 that orders deconsolidation of the Anthem / Agua Fria Wastewater District.
16

17 DATED this 25 day of June 2012.

18
19 **MACK DRUCKER & WATSON, P.L.C.**

20 
21 _____
22 Troy B. Stratman, Esq.
23 3200 North Central Avenue, Suite 1200
24 Phoenix, Arizona 85012
25 *Attorney for Intervenor Corte Bella Country*
26 *Club Association, Inc.*

27 **ORIGINAL** and 13 copies filed
28 this 25 day of June 2012, with:

26 Docket Control
27 Arizona Corporation Commission
28 1200 West Washington Street
Phoenix, Arizona 85007

1 **COPIES** of the foregoing mailed
2 this 5 day of June 2012 to:

3
4 Steve Olea, Director
5 Utilities Division
6 Arizona Corporation Commission
7 1200 W. Washington St.
8 Phoenix, Arizona 85007

9 Daniel W. Pozefsky, Chief Counsel
10 Residential Utility Consumer Office
11 1110 W. Washington St., Suite 220
12 Phoenix, Arizona 85007

13 Greg Patterson
14 Water Utility Association of Arizona
15 916 W. Adams, Suite 3
16 Phoenix, Arizona 85007

17 Judith M. Dworkin
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20 4250 N. Drinkwater Blvd, Fourth Floor
21 Scottsdale, Arizona 85251-3693

22 Jeff Crockett
23 Robert Metli
24 Snell & Wilmer
25 400 E. Van Buren St.
26 Phoenix, Arizona 85004-2202

27 Andrew M. Miller, Town Attorney
28 Town of Paradise Valley
6401 E. Lincoln Dr.
Paradise Valley, Arizona 85253

Maureen Scott
Robin Mitchell
Legal Division
Arizona Corporation Commission
1200 W. Washington St.

- 1 Phoenix, Arizona 85007
- 2 Craig A. Marks
- 3 Craig A. Marks, PLC
- 4 10645 N. Tatum Blvd., Suite 200-676
- 5 Phoenix, Arizona 85028
- 6 Attorney for Arizona-American Water Co.
- 7
- 8 Joan S. Burke
- 9 Law Office of Joan S. Burke
- 10 1650 N. First Ave.
- 11 Phoenix, Arizona 85003
- 12
- 13 Lawrence V. Robertson, Jr.
- 14 P.O. Box 1448
- 15 Tubac, Arizona 85646-1448
- 16
- 17 Bradley J. Herrema
- 18 Robert J. Saperstein
- 19 Brownstein Hyatt Farber Schreck, LLP
- 20 21 E. Carillo St.
- 21 Santa Barbara, CA 83101
- 22
- 23 W.R. Hansen
- 24 12302 W. Swallow Drive
- 25 Sun City West, Arizona 85375
- 26
- 27 Thomas M. Broderick
- 28 Arizona-American Water Company
- 29 2355 W. Pinnacle Peak Rd., Suite 300
- 30 Phoenix, Arizona 85027
- 31
- 32 Sun City Grand Community Assoc.
- 33 Palm Center
- 34 19726 N. Remington Dr.
- 35 Surprise, Arizona 85374
- 36
- 37 Larry Woods
- 38 Property Owners and Residents Assoc.
- 39 13815 E. Camino Del Sol
- 40 Sun City West, Arizona 85735-4409
- 41

1 Pauline A. Harris Henry
2 Russell Ranch Homeowners Assoc., Inc.
3 21448 N. 75th Avenue, Suite 6
4 Glendale, Arizona 85308

5 Larry D. Woods
6 15141 W. Horseman Lane
7 Sun City West, Arizona 85375

8 Jay Shapiro
9 Patrick Black
10 Fennemore Craig, P.C.
11 3003 North Central Avenue, Suite 2600
12 Phoenix, Arizona 85012

13 Philip H. Cook
14 10122 W. Signal Butte Circle
15 Sun City, Arizona 85373

16 Desi Howe
17 Anthem Golf & Country Club
18 2708 W. Anthem Club Dr.
19 Anthem, Arizona 85086

20 Gary Verburg, City Attorney
21 Daniel L. Brown, Asst. City Attorney
22 City of Phoenix
23 200 W. Washington, Suite 1300
24 Phoenix, AZ 85003

25 Jason D. Gellman
26 Roshka, DeWulf & Patten, PLC
27 400 E. Van Buren St., Suite 800
28 Phoenix, AZ 85004

Frederick Botha
23024 N. Giovota Drive
Sun City West, Arizona 85735


27 
28 _____

EXHIBIT “A”

ORIGINAL**BEFORE THE ARIZONA CORPORATION COMMISSION****RECEIVED****COMMISSIONERS**

KRISTIN K. MAYES - Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

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AZ CORP COMMISSION
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DOCKET CONTROL

SEP 24 2009

DOCKETED BY

**IN THE MATTER OF THE APPLICATION OF
 ARIZONA-AMERICAN WATER COMPANY, AN
 ARIZONA CORPORATION, FOR A
 DETERMINATION OF THE CURRENT FAIR
 VALUE OF ITS UTILITY PLANT AND
 PROPERTY AND FOR INCREASES IN ITS
 RATES AND CHARGES BASED THEREON FOR
 UTILITY SERVICE BY ITS ANTHEM WATER
 DISTRICT AND ITS SUN CITY WATER
 DISTRICT.**

DOCKET NO. W-01303A-09-0343

**IN THE MATTER OF THE APPLICATION OF
 ARIZONA-AMERICAN WATER COMPANY, AN
 ARIZONA CORPORATION, FOR A
 DETERMINATION OF THE CURRENT FAIR
 VALUE OF ITS UTILITY PLANT AND
 PROPERTY AND FOR INCREASES IN ITS
 RATES AND CHARGES BASED THEREON FOR
 UTILITY SERVICE BY ITS ANTHEM/AGUA
 FRIA WASTEWATER DISTRICT, ITS SUN CITY
 WASTEWATER DISTRICT AND ITS SUN CITY
 WEST WASTEWATER DISTRICT.**

DOCKET NO. SW-01303A-09-0343

**RATE CASE
 PROCEDURAL ORDER****BY THE COMMISSION:**

On July 2, 2009, Arizona-American Water Company ("Arizona-American" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for rate increases for its Anthem Water District, Sun City Water District, Anthem/Agua Fria Wastewater District, Sun City Wastewater District and Sun City West Wastewater District.

On July 13, 2009, Arizona-American filed a supplement to its application.

On August 21, 2009, Arizona-American filed an additional supplement to its application.

On August 24, 2009, the Commission's Utilities Division ("Staff") filed a Letter of Sufficiency indicating that Arizona-American has satisfied the requirements of Arizona Administrative Code R14-2-103 and classifying the Company as a Class A utility.

S/TWOLF/BAZAMERICAN-090343/ratecasepo

1

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1 On August 26, 2009, a procedural order was issued setting a procedural conference to provid
2 an opportunity for discussion of a hearing schedule, public notice, and other procedural issues prior
3 the issuance of a rate case procedural order.

4 On August 27, 2009, the Residential Utility Consumer Office ("RUCO") filed an Applicatio
5 to Intervene, which was granted at the procedural conference held on September 3, 2009.

6 A procedural conference commenced on September 2 2009, was recessed to allow the partic
7 to discuss procedural issues prior to reconvening. The procedural conference reconvened an
8 concluded on September 3, 2009. Counsel for Arizona-American, RUCO and Staff appeared throug
9 counsel and discussed the hearing schedule, public notice, and other procedural issues. RUCO an
10 Staff were in general agreement with the Company's proposed hearing schedule, which does in
11 include the pre-filing of rejoinder testimony by the Company. The Company agreed to prepare
12 form of public notice of the application in cooperation with RUCO and Staff, and to file it fo
13 consideration.

14 On September 14, 2009, Arizona-American filed a proposed form of notice as was discusse
15 at the September 2 and 3, 2009 procedural conference.

16 Pursuant to A.A.C. R14-3-101, the Commission now issues this procedural order to gover
17 the preparation and conduct of this proceeding.

18 IT IS THEREFORE ORDERED that the hearing in the above-captioned matter is hereby
19 scheduled to commence on April 19, 2010, at 10:00 a.m., or as soon thereafter as is practicable, a
20 the Commission's offices, 1200 West Washington Street, Hearing Room #1 Phoenix, Arizona 85007

21 IT IS FURTHER ORDERED that a pre-hearing conference shall be held on April 16, 2010
22 commencing at 1:30 p.m., at the Commission's Phoenix offices, for the purpose of schedulin
23 witnesses and the conduct of the hearing.

24 IT IS FURTHER ORDERED that the Staff Report and/or any testimony and associate
25 exhibits to be presented at hearing on behalf of Staff on issues other than rate design shall b
26 reduced to writing and filed on or before February 22, 2010.

27 IT IS FURTHER ORDERED that any testimony and associated exhibits to be presented a
28

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1 hearing on behalf of intervenors on issues other than rate design shall be reduced to writing and
2 filed on or before February 22, 2010.

3 IT IS FURTHER ORDERED that the Staff Report and/or any testimony and associate
4 exhibits to be presented at hearing on behalf of Staff on rate design issues shall be reduced to
5 writing and filed on or before March 8, 2010.

6 IT IS FURTHER ORDERED that any testimony and associated exhibits to be presented at
7 hearing on behalf of intervenors on rate design issues shall be reduced to writing and filed on or
8 before March 8, 2010.

9 IT IS FURTHER ORDERED that any rebuttal testimony and associated exhibits to be
10 presented at hearing by Arizona-American shall be reduced to writing and filed on or before
11 March 22, 2010.

12 IT IS FURTHER ORDERED that any surrebuttal testimony and associated exhibits to be
13 presented by Staff or intervenors shall be reduced to writing and filed on or before April 12, 2010.

14 IT IS FURTHER ORDERED that the Company's witnesses may provide rejoinder testimony
15 orally at the hearing.

16 IT IS FURTHER ORDERED that all filings shall be made by 4:00 p.m. on the date the
17 filing is due, unless otherwise indicated above.

18 IT IS FURTHER ORDERED that any objections to testimony or exhibits that have been
19 proffered as of April 12, 2010, shall be made before or at the April 16, 2010, pre-hearing
20 conference.

21 IT IS FURTHER ORDERED that each party shall individually prepare, and bring to the
22 pre-hearing conference, copies of an issues matrix setting forth all disputed issues in the case.
23 Each party's matrix shall indicate the position of each party on each disputed issue and shall
24 indicate whether the disputed issue remains in dispute or has been resolved, in pre-file
25 testimony or otherwise.

26 IT IS FURTHER ORDERED that all testimony filed shall include a table of contents which
27 lists the issues discussed.

28 IT IS FURTHER ORDERED that any substantive corrections, revisions, or supplements to

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1 prefiled testimony, with the exception of rejoinder testimony, shall be reduced to writing and filed n
2 later than five calendar days before the witness is scheduled to testify. Substantive correction
3 revisions, or supplements to prefiled rejoinder testimony shall be reduced to writing and presented o
4 the first day of hearing.

5 IT IS FURTHER ORDERED that the parties shall prepare a brief, written summary of th
6 prefiled testimony of each of their witnesses and shall file each summary at least two working day
7 before the witness is scheduled to testify.

8 IT IS FURTHER ORDERED that copies of summaries shall be served upon th
9 Administrative Law Judge, the Commissioners, and the Commissioners' aides as well as the partic
10 of record.

11 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-10
12 except that all motions to intervene must be filed on or before January 8, 2010.

13 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules an
14 regulations of the Commission, except that until February 26, 2010, any objection to discover
15 requests shall be made within 7 calendar days of receipt¹ and responses to discovery requests shall b
16 made within 10 calendar days of receipt. Thereafter, objections to discovery requests shall be mad
17 within 5 calendar days and responses shall be made within 7 calendar days. The response time ma
18 be extended by mutual agreement of the parties involved if the request requires an extensiv
19 compilation effort.

20 IT IS FURTHER ORDERED that for discovery requests, objections, and answers, if
21 receiving party requests service to be made electronically, and the sending party has the technic
22 capability to provide service electronically, service to that party shall be made electronically.

23 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to comp
24 discovery, any party seeking resolution of a discovery dispute may telephonically contact th
25 Commission's Hearing Division to request a date for a procedural hearing to resolve the discover
26 dispute; that upon such a request, a procedural hearing will be convened as soon as practicable; an
27

28 ¹ The date of receipt of discovery requests is not counted as a calendar day, and requests received after 4:00 p.m. MT
will be considered as received the next business day.

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1 that the party making such a request shall forthwith contact all other parties to advise them of the
 2 hearing date and shall at the hearing provide a statement confirming that the other parties were
 3 contacted.²

4 IT IS FURTHER ORDERED that any motions which are filed in this matter and which are
 5 not ruled upon by the Commission within 20 calendar days of the filing date of the motion shall be
 6 deemed denied.

7 IT IS FURTHER ORDERED that any responses to motions shall be filed within five calendar
 8 days of the filing date of the motion.

9 IT IS FURTHER ORDERED that any replies shall be filed within five calendar days of the
 10 filing date of the response.

11 IT IS FURTHER ORDERED that the Company shall provide public notice of the hearing in
 12 this matter, in the following form and style with the heading in no less than 18-point bold type and
 13 the body in no less than 10-point regular type:

14 **PUBLIC NOTICE OF HEARING ON THE APPLICATION OF ARIZONA-AMERICAN**
 15 **WATER COMPANY FOR RATE INCREASES FOR UTILITY SERVICE IN ITS**
 16 **ANTHEM WATER DISTRICT, SUN CITY WATER DISTRICT, ANTHEM/AGUA FRIA**
 17 **WASTEWATER DISTRICT, SUN CITY WASTEWATER DISTRICT, AND SUN CITY**
 18 **WEST WASTEWATER DISTRICT.**
 19 **(DOCKET NOS. W-01303A-09-0343 AND SW-01303A-09-0343)**

20 **Summary**

21 On July 2, 2009, Arizona-American Water Company, Inc. ("Arizona-American" or
 22 "Company") filed an application with the Arizona Corporation Commission
 23 ("Commission") for permanent revenue increases for its following Districts: Anthem
 24 Water District, Sun City Water District, Anthem/Agua Fria Wastewater District, Sun
 25 City Wastewater District and Sun City West Wastewater District.

26 **[COMPANY INCLUDE APPROPRIATE PARAGRAPH(S) FROM THE**
 27 **FOLLOWING FIVE PARAGRAPHS:]**

28 For its Anthem Water District, Arizona-American's application requests an increase
 of approximately \$7,268,177, or 100.4 percent over current revenues. For average
 consumption (9,616 gallons per month) 5/8 x 3/4-inch meter residential customers of
 the Anthem Water District, Arizona-American's request would increase monthly rates
 by 100.4 percent or \$37.37. If you would like the Company to calculate the impact of
 its proposal on your account based on your consumption, please contact its local
 office at azrates@amwater.com.

² The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before seeking Commission resolution of the controversy.

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For its Sun City Water District, Arizona-American's application requests an annual revenue increase of approximately \$2,531,127, or 27.7 percent over current revenues. For average consumption (7,954 gallons per month) 5/8 x 3/4-inch meter residential customers of the Sun City Water District, Arizona-American's request would increase monthly rates by 27.7 percent or by \$4.64. If you would like the Company to calculate the impact of its proposal on your account based on your consumption, please contact its local office at azrates@amwater.com.

For its Anthem/Agua Fria Wastewater District, Arizona-American's application requests an annual revenue increase of approximately \$7,060,837, or 81.8 percent over current revenues. For average usage (5,814 gallons per month) residential customers of the Anthem/Agua Fria Wastewater District, Arizona-American's request would increase monthly rates by 81.8 percent or by \$39.26. If you would like the Company to calculate the impact of its proposal on your account based on your usage, please contact its local office at azrates@amwater.com.

For its Sun City Wastewater District, Arizona-American's application requests an annual revenue increase of approximately \$2,156,882, or 40.8 percent over current revenues. For residential customers of the Sun City Wastewater District, Arizona-American's request would increase monthly rates by 40.8 percent or by \$5.58. If you would like the Company to calculate the impact of its proposal on your account based on your usage, please contact its local office at azrates@amwater.com.

For its Sun City West Wastewater District, Arizona-American's application requests an annual revenue increase of approximately \$1,480,756, or 26.2 percent over current revenues. For residential customers of the Sun City West Wastewater District, Arizona-American's request would increase monthly rates by 26.2 percent or by \$6.54. If you would like the Company to calculate the impact of its proposal on your account based on your usage, please contact its local office at azrates@amwater.com.

The Commission's Utilities Division Staff ("Staff") is in the process of auditing and analyzing the application, and has not yet made any recommendations regarding Arizona-American's proposed rate increase. The Residential Utility Consumer Office ("RUCCO") is also a party to this proceeding and will also analyze the application and make recommendations to the Commission. The Commission is not bound by the parties' proposals, but will determine the appropriate relief to be granted based on its consideration of all the evidence presented. The rates approved by the Commission may be higher or lower than the rates requested by Arizona-American.

How You Can View or Obtain a Copy of the Rate Proposal

Copies of the application and proposed rates are available from Arizona-American [COMPANY INSERT HOW AND WHERE AVAILABLE FOR EACH DISTRICT AS APPROPRIATE FOR EACH MAILING/PUBLICATION] and at the Commission's Docket Control Center at 1200 West Washington, Phoenix, Arizona, for public inspection during regular business hours and on the Internet using the Commission's e-Docket function, which is located in the lower right hand corner on the Commission's website homepage, www.azcc.gov.

Arizona Corporation Commission Public Hearing Information

The Commission will hold a hearing on this matter beginning April 19, 2010, at 10:00 a.m., at the Commission's offices, Hearing Room #1, 1200 West Washington Street, Phoenix, Arizona. Public comments will be taken on the first day of the hearing. Written public comments may be submitted by mailing a letter referencing Docket No. W-01303A-09-0343 et al. to Arizona Corporation Commission, Consumer Services

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Section, 1200 West Washington, Phoenix, AZ 85007, or by e-mail. For a form to use and instructions on how to e-mail comments to the Commission, go to http://www.azcc.gov/divisions/utilities/forms/public_comment.pdf. If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000.

If you do not intervene in this proceeding, you will receive no further notice of the proceedings in this docket. However, all documents filed in this docket are available online (usually within 24 hours after docketing) using the Commission's e-Docket function, which is located in the lower right hand corner of the Commission's website homepage, www.azcc.gov. RSS feeds are also available using the Commission's e-Docket function.

About Intervention

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene.

If you wish to intervene, you must file an original and 13 copies of a written motion to intervene with the Commission no later than January 8, 2010, and send a copy of the motion to Arizona-American or its counsel and to all parties of record. Your motion to intervene must contain the following:

1. Your name, address, and telephone number, and the name, address, and telephone number of any party upon whom service of documents is to be made, if not yourself;
2. A short statement of your interest in the proceeding (e.g., a customer of Arizona-American, a shareholder of Arizona-American, etc.); and
3. A statement certifying that you have mailed a copy of the motion to intervene to Arizona-American or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before January 8, 2010. If representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor. For information about requesting intervention, go to <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and providing public comment on the application or from filing written comments in the record of the case.

ADA/Equal Access Information

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator, Shaylin Bernal, E-mail SABernal@azcc.gov, voice phone number 602/542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

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1 IT IS FURTHER ORDERED that Arizona-American shall mail to each of its customers
2 each affected District a copy of the above notice that includes the appropriate paragraph(s) regarding
3 the effect of Arizona-American's proposed rate increase for the District(s), as a bill insert beginning
4 with the first billing cycle in November, 2009, and shall cause a copy of such notice to be published
5 at least once in a newspaper of general circulation in the service territory of each of the affected
6 Districts, with publication to be completed no later than November 13, 2009.

7 IT IS FURTHER ORDERED that Arizona-American shall file certification of
8 mailing/publication as soon as practicable after the mailing/publication has been completed.

9 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing/publication
10 of same, notwithstanding the failure of an individual customer to read or receive the notice.

11 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
12 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission
13 *pro hac vice*.

14 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
15 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
16 Rules of the Arizona Supreme Court). Representation before the Commission includes appearance
17 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is
18 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the
19 Administrative Law Judge or the Commission.

20 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
21 Communications) continues to apply to this proceeding and shall remain in effect until the
22 Commission's Decision in this matter is final and non-appealable.

23 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
24 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

25 ...

26 ...

27 ...

28 ...

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1 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend
 2 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling.
 3 hearing.

4 DATED this 24th day of September, 2009.

5 
 6 TEENA WOLFE
 7 ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/delivered
 9 This 24th day of September, 2009 to:

10 Thomas H. Campbell
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 15 Attorneys for Arizona-American Water Co.

16 Daniel Pozefsky
 17 RUCO
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20 Janice Alward, Chief Counsel
 21 Legal Division
 22 ARIZONA CORPORATION COMMISSION
 23 1200 West Washington Street
 24 Phoenix, AZ 85007

25 Steve Oles, Director
 26 Utilities Division
 27 ARIZONA CORPORATION COMMISSION
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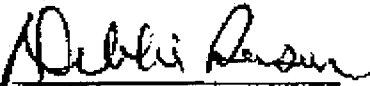
By: 
 Debbi Person
 Assistant to Teena Wolfe

EXHIBIT “B”

ORIGINAL**BEFORE THE ARIZONA CORPORATION COMMISSION****RECEIVED****COMMISSIONERS**

GARY PIERCE, Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

2011 APR 27 P 2:39

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF
ARIZONA-AMERICAN WATER COMPANY, AN
ARIZONA CORPORATION, FOR A
DETERMINATION OF THE CURRENT FAIR
VALUE OF ITS UTILITY PLANT AND
PROPERTY AND FOR INCREASES IN ITS
RATES AND CHARGES BASED THEREON FOR
UTILITY SERVICE BY ITS ANTHEM WATER
DISTRICT AND ITS SUN CITY WATER
DISTRICT, AND POSSIBLE RATE
CONSOLIDATION FOR ALL OF ARIZONA-
AMERICAN WATER COMPANY'S DISTRICTS.

DOCKET NO. W-01303A-09-0343

Arizona Corporation Commission

DOCKETED

APR 27 2011

DOCKETED BY

[Signature]

IN THE MATTER OF THE APPLICATION OF
ARIZONA-AMERICAN WATER COMPANY, AN
ARIZONA CORPORATION, FOR A
DETERMINATION OF THE CURRENT FAIR
VALUE OF ITS UTILITY PLANT AND
PROPERTY AND FOR INCREASES IN ITS
RATES AND CHARGES BASED THEREON FOR
UTILITY SERVICE BY ITS ANTHEM/AGUA
FRIA WASTEWATER DISTRICT, ITS SUN CITY
WASTEWATER DISTRICT AND ITS SUN CITY
WEST WASTEWATER DISTRICT, AND
POSSIBLE RATE CONSOLIDATION FOR ALL
OF ARIZONA-AMERICAN WATER
COMPANY'S DISTRICTS.

DOCKET NO. SW-01303A-09-0343

**PROCEDURAL ORDER SETTING
HEARING FOR CONSIDERATION
OF COMPLIANCE APPLICATION****BY THE COMMISSION:**

On July 2, 2009, Arizona-American Water Company ("Arizona-American," or "Company"
filed with the Arizona Corporation Commission ("Commission") an application for rate increases fo
its Anthem Water District, Sun City Water District, Anthem/Agua Fria Wastewater District, Sun Cit
Wastewater District, and Sun City West Wastewater District.

Intervention in this matter was granted to the Residential Utility Consumer Office
("RUCO"); Anthem Community Council ("Council"); Sun City West Property Owners and Resident
Association ("PORA"); W.R. Hansen; the Water Utility Association of Arizona; the Camelback Inn

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1 Sanctuary on Camelback Mountain, the Intercontinental Montelucia Resort and Spa, and th
 2 Scottsdale Cottonwoods Resort and Suites (collectively the "Resorts"); the Town of Paradise Valle
 3 the Anthem Golf and Country Club; Marshall Magruder; DMB White Tank, LLC ("DMB"); Maashi
 4 LLC dba Corte Bella Golf Club; Larry D. Woods; and Philip H. Cook.

5 On January 6, 2011, the Commission issued Decision No. 72047 in these dockets. Decisio
 6 No. 72047 left the dockets open for the sole purpose of considering the design and implementation o
 7 stand-alone revenue requirements and rate designs for separate Anthem Wastewater and Agua Fri
 8 Wastewater districts as agreed to in the settlement reached by the Company, the Council, RUCO an
 9 the Commission's Utilities Division ("Staff") during the Open Meeting at which Decision No. 7204
 10 was considered.¹ Decision No. 72047 ordered the Company to file, by April 1, 2011, an applicatio
 11 supporting consideration of stand-alone revenue requirements and rate designs for separate Anthem
 12 Wastewater and Agua Fria Wastewater districts, and made the rates approved for the Anthem/Agu
 13 Fria Wastewater district interim, subject to change pursuant to a Commission determination on th
 14 Company's April 1, 2011 filing.²

15 On April 1, 2011, the Company filed its Compliance Application to Support Consideration o
 16 Stand-Alone Revenue Requirements and Rate Designs for the Anthem/Agua Fria Wastewater Distric
 17 ("Compliance Application"). The filing included direct testimony and exhibits concerning th
 18 separate revenue requirements and separate rate designs for new Anthem Wastewater and Agua Fri
 19 Wastewater districts on a stand-alone basis using the combined authorizations in Decision No. 72047

20 On April 4, 2011, a procedural order was issued setting a procedural conference to commence
 21 on April 19, 2011, in order to provide an opportunity for discussion of a procedural schedule, publi
 22 notice of the Compliance Application, and other procedural issues prior to the issuance of
 23 procedural order governing the processing of the Compliance Application.

24 On April 19, 2011, DMB filed a Notice of Substitution of Counsel.

25 On April 19, 2011, the procedural conference convened as scheduled. Appearances wer
 26 entered through counsel for the Company, the Council, Anthem Golf and Country Club, DMB

27

¹ Decision No. 72047 at 84, 121. The terms of the Agreement appear on pages 44-45 of Decision No. 72047.

28 ² Decision No. 72047 at 121.

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1 RUCO, and Staff. The parties discussed public notice issues and the timing of discovery and pre
2 filing testimony.

3 In the Compliance Application, the Company proposed that it be required to provide notice
4 by first-class mail to each customer in the existing Anthem/Agua Fria Wastewater district, but that
5 not be required to publish additional newspaper notice. The Company explained that given the large
6 number of Arizona-American water and wastewater districts in Phoenix's west valley area,
7 newspaper notices could unduly confuse customers in regard to whether the deconsolidation
8 proposed in the Compliance Application could affect them, and that notice by First-Class U.S. Mail
9 would make it much more likely that affected customers will receive actual notice of the Compliance
10 Application. At the procedural conference, differing views were offered on an appropriate means of
11 noticing customers. The Council stated that further notice was not necessary; DMB indicated that
12 notice should be given, and that newspaper publication of notice, in addition to mailed notice to
13 individual customers, would provide notice to homeowners who might not be currently residing at
14 their property; RUCO stated that notice is required, and that a bill insert notice would be sufficient
15 and Staff stated that notice is not required by rule or statute, but that the public interest requires
16 additional notice.

17 The public interest requires that notice of the hearing on the Compliance Application be
18 provided to all customers of the Company's Anthem/Agua Fria Wastewater district. As the Company
19 stated, given the large number of Arizona-American water and wastewater districts in Phoenix's west
20 valley area, newspaper notice could unduly confuse customers of other Arizona-American districts in
21 regard to whether the deconsolidation proposed in the Compliance Application could affect them. In
22 order to provide the widest possible, and clearest, notice of the hearing on the Compliance
23 Application, the Company will be required to provide notice of the Compliance Application by First
24 Class U.S. Mail to each customer in the existing Anthem/Agua Fria Wastewater district, and in
25 addition, to provide notice by First-Class U.S. Mail to each homeowners' association in the existing
26 Anthem/Agua Fria Wastewater district.

27 In discussion of the timing of the parties' filing of testimony on the Compliance Application
28 the parties indicated that they would require 60 to 90 days to conduct initial discovery and to docket

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1 their direct testimony.

2 The Commission now issues this procedural order to govern the preparation and conduct
3 this proceeding.

4 IT IS THEREFORE ORDERED that the hearing in the above-captioned dockets on th
5 Compliance Application to Support Consideration of Stand-Alone Revenue Requirements an
6 Rate Designs for the Anthem/Agua Fria Wastewater District is hereby scheduled to commence o
7 October 17, 2011, at 10:00 a.m., or as soon thereafter as practicable, at the Commission's office
8 1200 West Washington Street, Hearing Room #1, Phoenix, Arizona 85007.

9 IT IS FURTHER ORDERED that that a pre-hearing conference shall be held on October 14
10 2011, commencing at 2:00 p.m., at the Commission's Phoenix offices, for the purpose of schedulin
11 witnesses and the conduct of the hearing.

12 IT IS FURTHER ORDERED that the direct testimony and associated exhibits to b
13 presented at hearing on behalf of Staff and intervenors shall be reduced to writing and filed on c
14 before July 26, 2011.

15 IT IS FURTHER ORDERED that any rebuttal testimony and associated exhibits to b
16 presented at hearing by the Company shall be reduced to writing and filed on or before August 23
17 2011.

18 IT IS FURTHER ORDERED that any surrebuttal testimony and associated exhibits to b
19 presented by Staff and intervenors shall be reduced to writing and filed on or before Septembe
20 20, 2011.

21 IT IS FURTHER ORDERED that any rejoinder testimony and associated exhibits to b
22 presented at hearing by the Company shall be reduced to writing and filed on or before Octobe
23 11, 2011.

24 IT IS FURTHER ORDERED that all filings shall be made by 4:00 p.m. on the date th
25 filing is due.

26 IT IS FURTHER ORDERED that any objections to testimony or exhibits that have bee
27 prefiled as of October 5, 2011, shall be made before or at the October 14, 2011 prehearin
28 conference.

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1 IT IS FURTHER ORDERED that all testimony filed shall include a table of contents which
2 lists the issues discussed.

3 IT IS FURTHER ORDERED that any substantive corrections, revisions, or supplements to
4 prefiled testimony shall be reduced to writing and filed no later than five calendar days before the
5 witness is scheduled to testify.

6 IT IS FURTHER ORDERED that the parties shall prepare a brief, written summary of the
7 prefiled testimony of each of their witnesses and shall file each summary at least two working days
8 before the witness is scheduled to testify.

9 IT IS FURTHER ORDERED that copies of summaries shall be served upon the
10 Administrative Law Judge, the Commissioners, and the Commissioners' aides as well as the parties
11 of record.

12 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-101
13 except that all motions to intervene must be filed on or before June 24, 2011.

14 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and
15 regulations of the Commission, except that until August 10, 2011, any objection to discovery
16 requests shall be made within 7 calendar days of receipt³ and responses to discovery requests shall be
17 made within 10 calendar days of receipt. Thereafter, objections to discovery requests shall be made
18 within 5 calendar days and responses shall be made within 7 calendar days. The response time may
19 be extended by mutual agreement of the parties involved if the request requires an extensive
20 compilation effort.

21 IT IS FURTHER ORDERED that for discovery requests, objections, and answers, if
22 receiving party requests service to be made electronically, and the sending party has the technical
23 capability to provide service electronically, service to that party shall be made electronically.

24 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel
25 discovery, any party seeking resolution of a discovery dispute may telephonically contact the
26 Commission's Hearing Division to request a date for a procedural hearing to resolve the discovery
27

28 ³ The date of receipt of discovery requests is not counted as a calendar day, and requests received after 4:00 p.m. MST
will be considered as received the next business day.

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1 dispute; that upon such a request, a procedural hearing will be convened as soon as practicable; an
 2 that the party making such a request shall forthwith contact all other parties to advise them of th
 3 hearing date and shall at the hearing provide a statement confirming that the other parties we
 4 contacted.⁴

5 IT IS FURTHER ORDERED that any motions which are filed in this matter and which ar
 6 not ruled upon by the Commission within 20 calendar days of the filing date of the motion shall b
 7 deemed denied.

8 IT IS FURTHER ORDERED that any responses to motions shall be filed within five calend
 9 days of the filing date of the motion.

10 IT IS FURTHER ORDERED that any replies shall be filed within five calendar days of th
 11 filing date of the response.

12 IT IS FURTHER ORDERED that the Company shall provide public notice of the hearing i
 13 this matter, in the following form and style with the heading in no less than 18-point bold type an
 14 the body in no less than 10-point regular type:

15
 16 **PUBLIC NOTICE OF HEARING ON THE APPLICATION OF ARIZONA-**
 17 **AMERICAN WATER COMPANY MADE IN COMPLIANCE WITH**
 18 **DECISION NO. 72047 TO SUPPORT CONSIDERATION OF STAND-ALONE**
 19 **REVENUE REQUIREMENTS AND RATE DESIGNS FOR THE**
 20 **ANTHEM/AGUA FRIA WASTEWATER DISTRICT**
 21 **(DOCKET NO. W-01303A-09-0343 ET AL.)**

22 **Summary**

23 On April 1, 2011, Arizona-American Water Company ("Company") filed with the
 24 Arizona Corporation Commission ("Commission"), in compliance with Commission
 25 Decision No. 72047, an Application to Support Consideration of Stand-Alone
 26 Revenue Requirements and Rate Designs for the Anthem/Agua Fria Wastewater
 27 District ("Compliance Application"). The Commission ordered the Company to file
 the Compliance Application in Decision No. 72047, and kept the record open in that
 rate proceeding for the sole purpose of considering the design and implementation of
 stand-alone revenue requirements and rate designs for separate Anthem Wastewater
 and Agua Fria Wastewater districts as agreed to in the settlement reached by the
 Company, the Council, RUCO and the Commission's Utilities Division ("Staff")
 during the Open Meeting at which Decision No. 72047 was considered.

Decision No. 72047 approved a rate increase which resulted in an increase to \$67.97
 per month for an average water usage (5,632 gallons/month) Anthem/Agua Fria

28 ⁴ The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before
 seeking Commission resolution of the controversy.

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1 Wastewater district customer with a 5/8 x 3/4-inch water meter. Under the proposal in
2 the Compliance Application, the new monthly wastewater rates for an average water
3 usage (5,814 gallons/month) residential customer with a 5/8 x 3/4-inch water meter in
4 a stand-alone Anthem Wastewater district would decrease to \$51.95, and the new
monthly wastewater rates for an average water usage (5,297 gallons/month) residential
customer with a 5/8 x 3/4-inch water meter in a stand-alone Agua Fria Wastewater
district would increase to \$108.34.

5 The Commission will determine the appropriate relief to be granted on the
6 Compliance Application based on the evidence presented by all the parties. The rates
approved by the Commission may be higher or lower than the rates proposed by the
Company.

How You Can View or Obtain a Copy of the Compliance Application Proposal

7 Copies of the Compliance Application and proposed deconsolidated rates are available
8 from Arizona-American Water Company, [company address]; at [web page]; at the
9 Commission's Docket Control Center, 1200 West Washington, Phoenix, Arizona, for
public inspection during regular business hours; and at the Commission's website
10 www.azcc.gov using the e-Docket function, located at the bottom of the website
homepage.

Arizona Corporation Commission Public Hearing Information

11 The Commission will hold a hearing on the Compliance Application beginning
12 October 17, 2011, at 10:00 a.m., at the Commission's offices, Hearing Room #1,
13 1200 West Washington Street, Phoenix, Arizona. Public comments will be taken on
the first day of the hearing. Written public comments may be submitted by mailing a
14 letter referencing Docket No. W-01303A-09-0343 et al. to Arizona Corporation
Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ
15 85007, or by e-mail.

16 For a form to use and instructions on how to e-mail comments to the Commission, go
to <http://www.azcc.gov/Divisions/Utilities/forms/PublicCommentForm.pdf>. If you
17 require assistance, you may contact the Consumer Services Section at 602.542.4251 or
1.800.222.7000.

18 Unless you are already a party to this docket, if you do not intervene in this
19 proceeding, you will receive no further notice of the proceedings in this docket.
20 However, all documents filed in this docket are available online (usually within 24
hours after docketing) at the Commission's website www.azcc.gov using the e-Docket
21 function, located at the bottom of the website homepage. RSS feeds are also available
through e-Docket.

About Intervention

22 The law provides for an open public hearing at which, under appropriate
23 circumstances, interested parties may intervene. Any person or entity entitled by law
to intervene and having a direct and substantial interest in the matter will be permitted
24 to intervene.

25 If you wish to intervene, you must file an original and 13 copies of a written motion to
intervene with the Commission no later than June 24, 2011, and send a copy of the
26 motion to the Company or its counsel and to all parties of record. Your motion to
intervene must contain the following:
27
28

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1. Your name, address, and telephone number, and the name, address, and telephone number of any party upon whom service of documents is to be made, if not yourself;
2. A short statement of your interest in the proceeding (e.g., a customer of the Company, a shareholder of the Company, etc.); and
3. A statement certifying that you have mailed a copy of the motion to intervene to the Company or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before June 24, 2011. All parties must comply with Rules 31 and 38 of the Rules of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law. For information about requesting intervention, go to <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>. The granting of intervention entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. Intervenor's direct testimony and supporting exhibits must be prefiled with the Commission on or before July 26, 2011, as set forth in the Commission's procedural order issued April 27, 2011. Failure to intervene will not preclude any interested person or entity from appearing at the hearing and providing public comment on the application or from filing written comments in the record of the case.

ADA/Equal Access Information

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator, Shaylin Bernal, e-mail sabernal@azcc.gov, voice phone number 602.542.3931. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that the Company shall mail to each of its customers in the Anthem/Agua Fria Wastewater district, and to each of the homeowners' associations located in the Anthem/Agua Fria Wastewater district, a copy of the above notice by First-Class U.S. Mail, with mailing to be completed no later than May 20, 2011.

IT IS FURTHER ORDERED that the Company shall file certification of mailing as soon as practicable after the mailing and publication have been completed.

IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing notwithstanding the failure of an individual customer to read or receive the notice.

IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rule 31 and 38 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona

DOCKET NO. W-01303A-09-0343 ET AL

Supreme Court Rule 42). Representation before the Commission includes appearances at all hearing and procedural conferences, as well as all Open Meetings for which the matter is scheduled for discussion, unless counsel has previously been granted permission to withdraw by the Administrative Law Judge or the Commission.

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized Communications) continues to apply to this proceeding and shall remain in effect until the Commission's Decision in this matter is final and non-appealable.

IT IS FURTHER ORDERED that the time periods specified herein shall not be extended pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 27th day of April, 2011.


TEENA M. BILIBIAN
ADMINISTRATIVE LAW JUDGE

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DOCKET NO. W-01303A-09-0343 ET AL

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By:


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